

### REMARKS

This Application has been carefully reviewed in light of the Advisory Action mailed on March 13, 2007 ("Advisory Action"). Claims 1-31 are currently pending,<sup>1</sup> of which Claims 1, 25, and 29 are independent. Claim 4 has been cancelled. Claims 1-3, 5-17, 19-26, and 28-30 have been amended.<sup>2</sup> Applicants respectfully request withdrawal of the present rejections and allowance of the pending claims at least in view of the amendments to the claims and the remarks set forth below.

#### Section 101 Rejections

The Advisory Action appears to maintain the rejection of Claims 1-31 under 35 U.S.C. § 101 as being directed to unpatentable subject matter. *See* Advisory Action at 2, ¶ 1. Applicants explicitly traverse this rejection, believe that the previously pending claims were patentable as they stood, and hereby reassert the previous comments on such rejections.

Moreover, the patent laws define patentable subject matter as "any new and useful process, machine, manufacture or composition of matter, or any new and useful improvement thereto." See 35 U.S.C. § 101. When an abstract idea is reduced to a practical application, the abstract idea no longer stands alone if the practical application of the abstract idea produces a useful, concrete and tangible result. This then satisfies the requirements of 35 U.S.C. § 101. *See In re Alappat*, 33 F.3d 1526, 1543, 31 U.S.P.Q. 2d 1545, 1558 (Fed. Cir. 1994); *see also State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d 1368, 1373, 47 U.S.P.Q. 2d 1596, 1601-02 (Fed. Cir. 1998); [www.uspto.gov/web/menu/pbmethod/trangmaterials.ppt](http://www.uspto.gov/web/menu/pbmethod/trangmaterials.ppt). While an abstract idea by itself may not satisfy the requirements of 35 U.S.C. § 101, an abstract idea when practically applied to produce a useful, concrete, and tangible result satisfies 35 U.S.C. § 101. *See AT&T Corp. v. Excel Comm. Inc.*, 172 F.3d 1352, 1357, 50 U.S.P.Q. 1447,

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<sup>1</sup> Applicants respectfully note that it appears to be unclear as to whether the amendments to the claims made in response to the Final Office Action dated December 21, 2006, have been entered. Applicants' current response assumes the amendments have been entered and considered. However, if these amendments have not been entered, Applicants respectfully request that they be entered concurrently with the present amendments.

<sup>2</sup> Applicants further note that many of the amendments to the present claims were merely to correct typographical errors or for further precision. No new matter has been added and the scope of the respective claims has not been changed by such amendments.

1452 (Fed. Cir. 1999) (stating that as technology progressed, the C.C.P.A. overturned some of the earlier limiting principles regarding § 101 and announced more expansive principles formulated with computer technology in mind); *see also In re Musgrave*, 431 F.2d 882, 167 U.S.P.Q. 280 (C.C.P.A. 1970) (cited by the Federal Circuit in *AT&T Corp.*, 172 F.3d at 1356). Thus, producing a useful, concrete, and tangible result is the key to patentability according to *State Street* and other applicable case law.

Claim 1 recites “[a] business solution management system comprising: software stored in a computer readable medium.” Claim 25 recites “[a] computer-implemented method comprising: providing at least a first software application and a second software application.” Claim 29 recites “[a]n article comprising a machine-readable medium storing instructions operable to cause one or more machines to perform operations.” “Only when the claim is devoid of any limitation to a practical application in the technological arts should it be rejected under 35 U.S.C. § 101.” (M.P.E.P. § 2106). Indeed, a method or process remains statutory even if some or all of the steps therein can be performed in the human mind, with the aid of the human mind, or because it may be necessary for one performing the method or process to think. *See In re Musgrave*, 431 F.2d at 893, 167 U.S.P.Q. at 289. In short, the present claims produce a useful, concrete, and tangible result. As such, Applicants respectfully request the Examiner’s rejection of Claim 1-31 under 35 U.S.C. § 101 be withdrawn.

Regardless, Applicants have amended the claims to further advance prosecution of the pending application. For example, Claim 1, as amended, recites “software allowing a user to . . . maintain and modify the business solution designed by the user subsequent to implementation of the business solution, the implementation based, at least in part, on a current state of the business objects and the technology objects.” Claims 25 and 29, as presently amended, include certain aspects analogous to amended Claim 1. Therefore, Applicants respectfully request that this rejection be withdrawn.

### **Section 102 Rejections**

The Advisory Action rejected Claims 1-31 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,339,832 to Bowman-Amuah (“*Bowman*”). Applicants maintain the traversals and reassert the previous responses to this reference in the prior Office

Action at least with respect to the remaining claims.

Moreover, Applicants respectfully assert that *Bowman* fails to teach, suggest, or disclose certain aspects of the present claims. For example, amended Claim 1 recites *inter alia* “a business solution with user parameters, instantiated user-selectable, pre-defined business objects, and instantiated user-selectable, pre-defined technology objects.” With such aspects now in mind, the Advisory Action previously suggested that the “classes” disclosed in *Bowman* are equivalent to technology objects (*see* Advisory Action at 2, ¶¶ 1 and 3); but *Bowman*—in direct contrast—teaches that classes *are distinct from* objects. Specifically, *Bowman*, in its description, teaches that, “[i]t is worthwhile to differentiate between an object and a class of objects at this point. An object is a single instance of the class of objects, which is often just called a class. A class of objects can be viewed as a blueprint, from which many objects can be formed.” *Bowman*, 11:11-15 (emphasis added). In other words, *Bowman* explicitly teaches that an instantiated object (*i.e.*, an instance of a class of objects) is a result of processing on the class and, therefore, is distinct from the class itself. Therefore, classes, as disclosed in *Bowman* and asserted in the previous action, cannot be the equivalent of “instantiated user-selectable, pre-defined technology objects” as recited in example Claim 1.

Accordingly, Applicants respectfully submit that *Bowman* fails to teach, suggest, or disclose each and every element of Claim 1, as amended. Claims 25 and 29, as presently amended, include certain aspects analogous to amended Claim 1, discussed above. Therefore, Applicants respectfully request consideration and allowance of amended Claims 1, 25, and 29 and all claims depending therefrom.

CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all Claims.

If the present application is not allowed and/or if one or more of the rejections is maintained, **Applicants hereby request a telephone conference with the Examiner** and further request that the Examiner contact the undersigned attorney to schedule the telephone conference.

Please apply the RCE fee in the amount of \$790 and any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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